

E-Filed 5/29/09

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

REGINALD P. BURGESS.

Plaintiff,

V.

JASON FORBES, et al.,

Defendants.

Case Number C 09-629 JF (HRL)

ORDER¹ DISMISSING ACTION
WITHOUT PREJUDICE FOR
FAILURE TO PAY FILING FEE; AND
DENYING PLAINTIFF'S *EX PARTE*
MOTION FOR COSTS

On April 20, 2009, the Court issued an order that, *inter alia*, declined to reconsider its denial of Plaintiff's motion for leave to proceed *in forma pauperis* and directed Plaintiff to pay the filing fee within thirty days. The Court cautioned Plaintiff that failure to pay the filing fee within the time provided would result in dismissal of the action without prejudice. Plaintiff has failed to pay the filing fee, and his thirty-day deadline to do so has expired. Accordingly, the action is hereby DISMISSED WITHOUT PREJUDICE.

In light of this disposition of the action, Plaintiff's *ex parte* motion for costs [docket no. 35] is DENIED.

¹ This disposition is not designated for publication in the official reports.

1 IT IS SO ORDERED.
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14 DATED: 5/29/09
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16 United States District Judge
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1 Copies of Order served on:

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